

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WISCONSIN

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WISCONSIN CARRY, INC.,  
BRAD CHAPIEWSKY,  
BENJAMIN MOYES,  
LARRY HERZOG, and  
WILLIAM J. VEERHUSEN,

Plaintiffs,

Civil Action No.: 10-CV-548

v.

CITY OF MADISON, WISCONSIN,  
and NOBLE WRAY, in his official  
Capacity as Chief of Police of the  
City of Madison, Wisconsin,

Defendants.

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**JOINT RULE 26(f) REPORT**

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Pursuant to this Court's Notice of Telephone Pretrial Conference, the Court's Standing Order Governing Pretrial Conferences, and Federal Rule of Civil Procedure 26(f), the parties whose signature of counsel appear below met and conferred regarding a discovery plan and case schedule. In accordance therewith, the parties submit this Joint Rule 26(f) Report.

**PROPOSED DISCOVERY PLAN**

**A. Case Schedule:**

The Parties propose the following Schedule:

Event	Plaintiffs	Defendants
Rule 26 Initial Disclosures	December 15, 2010	December 15, 2010
Deadline for amendments to pleadings (w/o leave of Court)	January 14, 2011	January 14, 2011
Parties to serve expert reports for which they bear the burden of proof	February 22, 2011	February 22, 2011

Event	Plaintiffs	Defendants
Parties to serve rebuttal expert reports	April 15, 2011	April 15, 2011
Dispositive motions deadline	May 15, 2011	May 15, 2011
Disclosure of damages expert report(s) by proponent	N/A	N/A
Rebuttal damages expert report(s)	N/A	N/A
Discovery cut-off	September 1, 2011	September 1, 2011
Settlement letters	September 1, 2011	September 1, 2011
Pretrial disclosures, Rule 26(a)(3), motions in limine	September 22, 2011	September 22, 2011
Final pre-trial conference	On or after October 1, 2011	On or after October 1, 2011
Trial	On or after October 19, 2011	On or after October 19, 2011

**Modifications to Limitations on Discovery Imposed by the Federal Rules:**

No changes in Federal Rules of Civil Procedure.

**OTHER INFORMATION REQUESTED IN STANDING ORDER**

In addition to the above discovery plan, the parties submit the following as a joint preliminary pretrial statement to the Court:

**A. Concise Statement of the Nature of the Case:**

This is a §1983 action for alleged violations of the United States Constitution premised on the alleged adoption of a custom, practice and policy by the Defendants that plaintiffs contend unconstitutionally impairs their right to openly carry firearms. Defendants deny any constitutional violation and assert that plaintiffs lack standing to pursue their claims.

**B. Related Cases:**

N/A

**C. Material Facts and Legal Issues to be Resolved at Trial:**

**The principal factual and legal issues which the parties dispute at this time are:**

1. The standing of the Plaintiffs to bring this action;
2. The existence and content of a custom, practice and policy of the City of Madison Police Department allegedly infringing plaintiffs' Second Amendment rights;
3. The parties will explore whether they can stipulate to those factual matters that are not in substantial dispute;
4. There are substantial legal issues in dispute related to the right to bear arms, the legally permissible power of the Defendants to enact regulations concerning the open carrying of firearms, and the legally permissible power of the Defendants to adopt policies intended to safeguard public and police officer safety in responding to reports of persons with firearms in public places.

**D. Possibility of Simplifying Issues:**

The parties are exploring a stipulation of facts.

**E. Necessity and Desirability of Advance Rulings on Evidence:**

None anticipated at this time.

**F. Need to Limit Use of Testimony under Fed. R. Evid. 702:**

Unknown at this time.

**G. Identity of Any New Parties:**

Unknown at this time.

**H. Description of Any Pleading Amendments:**

Plaintiffs may wish to amend the Complaint to allege violations of the Constitution of the State of Wisconsin. Defendants deny any such violations have occurred.

**I. Estimated Length of Time Required for Trial:**

The parties estimate that this case can be tried to the Court in two trial days and to a jury in three trial days. While there is a jury demand, the Plaintiffs may withdraw that demand.

If Plaintiffs withdraw their demand for jury trial, Defendants may assert their right to a jury trial.

**J. Settlement Discussion / ADR Plans:**

There are no plans to use ADR or other methods to address settlement.

**K. Other Matters:**

**Electronic Discovery:**

The parties will provide the Court an agreed protocol for e-discovery or will seek appropriate resolution prior to e-discovery. It is unlikely e-discovery will be a significant issue in this case.

**Electronic Service:**

The parties agree that service by electronic means shall be allowed as set forth in Fed.R.Civ.P. 5(b)(2)(E) and that such service shall be complete upon transmission, provided that the sender does not receive any indication that such electronic transmission was unsuccessful.

Service on Plaintiffs will be made to the following counsel:

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Dated this 24<sup>th</sup> day of November, 2010.

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